

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Criminal No.  
04-10065-MLW

UNITED STATES OF AMERICA

v.

CLARENCE L. EARLE

**FINAL STATUS REPORT**

December 23, 2004

DEIN, M.J.

A Final Status Conference was held before this court on Thursday, December 23, 2004, pursuant to the provisions of Local Rule 116.5(C). Based on that conference, this court enters the following report, in accordance with Local Rule 116.5(D):

1. It appears at this time that a trial will be necessary.
2. Discovery is completed at this time.
3. There are no outstanding or anticipated discovery issues at this time.
4. The defendant intends to file a motion to suppress. All dispositive motions must be filed by January 24, 2005. The government's response shall be filed by February 8, 2005.
5. Based upon the prior orders of the court dated March 18, 2004, April 26, 2004, May 26, 2004, July 20, 2004, August 3, 2004, September 28, 2004, October 26, 2004, and December 6, 2004, as of this date there are twelve (12) days of non-excludable time under the Speedy Trial Act (April 14, 2004 - April 26, 2004) and fifty-eight (**58**) days remaining under the Speedy Trial Act in which this case must be tried. The court has, on this date, entered a Further Order on Excludable Time excluding the period from this date, December 23, 2004, through February 8, 2005 to enable

the defendant time to prepare his motion. The pendency of any motion shall result in further time being excluded under the Speedy Trial Act.

6. It is estimated that if the case goes to trial, the trial will last approximately three (3) days.
7. The file is hereby ordered returned to the District Judge to whom this case is assigned for further proceedings.

/ s / Judith Gail Dein  
Judith Gail Dein  
United States Magistrate Judge